

AGRICULTURAL LABOR RELATIONS ACT  
Employer Questions & Answers  
**Unfair Labor Practices**

### **What is an Unfair Labor Practice (ULP)?**

A ULP is conduct by unions or employers which violates the rights of agricultural employees, whether or not they are represented by a union. It also includes conduct by a union which violates provisions in the Act covering employers.

### **Who May File a Charge Alleging a ULP?**

Any person – an individual, an employer, or a labor organization (union) – may file a charge. Charges cannot be solicited or filed by the ALRB.

### **Where, When and How Can Charges Be Filed?**

In the ALRB Regional Office which covers the county in which the labor dispute occurred. Appropriate forms for the filing of charges are available from any ALRB office. Charges must be filed no later than six months after the occurrence of the conduct described in the charge.

### **Will I be Notified if a Charge is Filed Against Me?**

Yes. The charge must be served on the employer, or union, as the case may be, before it can be filed with the ALRB. The Regional Director will keep you informed of the processing of the charge and is available to answer your questions.

### **What Happens After I File a Charge, or After a Charge is Filed Against Me? Will I Have an Opportunity to Tell My Side of the Story?**

All charges are independently investigated by the Regional Director who may solicit the views of all parties and interview witnesses are available. The Regional Director may find that the charge lacks merit and dismiss the charge, or issue a complaint. The parties may also settle and request that the charge be withdrawn.

### **What Happens When a Complaint is Issued?**

A hearing will be held at which each side will have an opportunity to present evidence and call witnesses on its behalf before an independent and impartial Administrative Law Judge (ALJ). The General Counsel will represent the charging party. The charged party (respondent) may represent itself or seek private counsel. The ALJ will issue a decision which can be appealed directly to a California Court of Appeal.

### **Am I Accountable for My Supervisors and Labor Contractors ULP's?**

Yes. The employer is responsible for violations of the Act by supervisory personnel or labor contractors it employs, even if the employer had no direct knowledge of the conduct in question.

## **Can I Violate the Act Even in the Absence of Union Representation of My Work Force?**

Yes. Employees always have the right to band together for mutual aid and protection such as asking for an increase in wages or safer working conditions. Such concerted activity is protected if made by one or more employees. While the employer is not required to meet their demands, it is unlawful to retaliate against them for exercising this right.

### **What Are Some Union ULP's?**

- A. Restraining or coercing employees by;
  - Threatening non-union supporters with loss of work if the union wins the election.
  - Attempting to influence their selection of a bargaining agent by means of threats or other forms of coercion;
- B. Attempting to force and employer to recognize or bargain with a union not certified by the ALRB.
- C. Failing to negotiate in good faith.
- D. Engaging in certain types of strikes and boycotts.

### **What Are Some Employer ULP's?**

- A. Interference with employee rights by:
  - Questioning employees about their union sympathies or activities.
  - Surveillance of employees when they meet with union organizers or discuss union matters with other employees;
  - Promising or granting benefits (such as improved health insurance) which are timed to discourage union membership or support for a union;
  - Threatening employees with reprisals (such as loss of employment) if they support a union or exercise any other rights under the Act.
- B. Failure to bargain by:
  - Failing to negotiate in good faith with the employees' certified bargaining representative concerning their hours, wages, or other terms of employment.
  - Changing conditions of employment without first offering to bargain about them with the union.
- C. Discrimination in employment by:

- Singling out employees for different treatment or job reprisals (discharge, refusal to hire or rehire, reduction in hours, more onerous work assignments) because the employee exercised rights under the Act, including filing of charges with the ALRB, meeting with an ALRB agent, or testifying in an ALRB hearing.

### **THE MISSION OF THE ALRB**

THE AGRICULTURAL LABOR RELATIONS ACT (ALRA OR ACT) WAS ENACTED FOR THE PURPOSE OF PROVIDING A PROCESS FOR THE PEACEFUL AND ORDERLY RESOLUTION OF AGRICULTURAL LABOR DISPUTES. THE ALRB BELIEVES THAT THE RESOLUTION OF DISPUTES AT THE EARLIEST STAGES BEST SERVES BOTH LABOR AND GROWERS.

### **OFFICES**

#### **AGRICULTURAL LABOR RELATIONS BOARD**

REMEMBER, THE ALRB IS ONLY A PHONE CALL AWAY

**1-800-449-3699**

Please call for answers to your specific questions, or for additional brochures.

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#### **SALINAS**

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#### **ALRB HEADQUARTERS**

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